

SERVICE DATE – APRIL 11, 2006

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-307 (Sub-No. 6X)**

**Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – in Carbon County, WY**

**BACKGROUND**

In this proceeding, Wyoming and Colorado Railroad Company, Inc. (WYCO) has filed a petition for exemption under 49 CFR 1152 seeking exemption from the requirements of 49 U.S.C. 10903 for WYCO to abandon approximately 23.71 miles of rail line located between milepost 0.57 near Walcott and milepost 24.28 in Saratoga, in Carbon County, Wyoming. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, WYCO will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to WYCO, the line proposed for abandonment was constructed in 1907 as part of a longer line extending to Encampment, Wyoming, by the Saratoga & Encampment Railway Company (S&ER). The line was originally constructed to handle copper ore. The mine, however, closed shortly after the line was built. Thereafter, the line's principal traffic consisted of shipments of stock and farm products. Union Pacific (UP) gained control of the S&ER in 1928 and absorbed the S&ER into UP in 1951. WYCO acquired the line from UP in 1987 as part of a larger purchase. Since it was acquired by WYCO, the line has been used to handle shipments of finished lumber and wood chips. The mill located in Saratoga closed in January 2003, thus idling the line. WYCO seeks to abandon the line in order to salvage the track and track materials.

WYCO states that the line traverses a rural area that is open and flat or slightly rolling. The right-of-way is approximately 100 feet in width. Based on information in WYCO's possession, the line does not contain any Federally granted right-of-way. Upon receipt of abandonment authority, WYCO intends to remove the rail, track material, and crossties. WYCO intends to sell the right-of-way to the adjacent land owners, to the extent the right-of-way is owned in fee. There are currently no plans to remove the three bridge structures along the line.

The three bridges on the line were constructed in 1907, at the same time the line was constructed. Two of the bridges are three-span timber pile trestle open deck bridges located at milepost 0.84 and at milepost 3.19. The third bridge is a five-span timber pile trestle open deck

bridge located at milepost 3.69. WYCO is not aware of any archeological resources or railroad related historic properties in the project area.

WYCO states that the line was previously used to serve a single customer, Louisiana-Pacific Corporation, located in Saratoga. The only traffic that has moved over the line since it was acquired by WYCO has been lumber, wood chips, and a one-time shipment of fluorspar. Intermountain Resources, LLC (IMR) acquired the mill in September 2003. Since the mill was closed in January 2003, no traffic has moved over the line. The line is stub-ended and no overhead traffic moves over the line. Thus, no rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Board's thresholds for conducting more detailed air quality and noise analysis (an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment) will not be exceeded.

WYCO previously filed a petition for exemption to abandon the line with the Board on July 23, 2004 in STB Docket No. AB-307 (Sub-No. 5X). By decision served November 10, 2004, the Board denied the petition. The Board invited WYCO to refile a petition for exemption or file a formal abandonment application to provide the Board with additional information.

## **ENVIRONMENTAL REVIEW**

WYCO submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WYCO served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board's) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The Board of Carbon County Commissioners has indicated that they would like the Board to deny the abandonment. The Commissioners assert that the line is sited at mid point in Carbon County and is an asset to current and future economic development in the area. Moreover, they state that there is currently a request to use the line as a siding to handle materials for planned energy projects.

The National Geodetic Survey (NGS) has advised SEA that 18 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that WYCO contact NGS at least 90 days prior to beginning salvage activities so that that NGS may plan for the possible relocation of the geodetic station markers.

The United States Department of Agriculture, Natural Resources Conservation Service in Casper, Wyoming, does not have any comments on the abandonment of the railroad line but has indicated that they would like to see a plan in place as to what the use of the land will be after the railroad is abandoned. WYCO has indicated that it intends to sell the right-of-way to the adjacent

land owners, to the extent the right-of-way is owned in fee, and that the vegetative cover on the adjacent land (sage brush and prairie grass) will envelop the right-of-way after the line is salvaged.

The United States Department of the Interior, Fish and Wildlife Service, Mountain-Prairie Region in Lakewood, Colorado, has indicated that they would be interested in negotiating a purchase or donation of the right-of-way property that bisects the Saratoga National Fish Hatchery.

The Wyoming Department of Environmental Quality (DEQ) in Cheyenne has indicated that there are two Water Quality Division permits that may apply to the proposed abandonment, depending on the scope of the project. Any discharger to “waters of the state” must obtain a Temporary Discharge Permit under the National Pollutant Discharge Elimination System program. The type of activity proposed can most likely be covered under the general permit for temporary discharges. A Storm Water Associated with Construction Activities Permit is required when a project results in clearing, grading, or otherwise disturbing one or more acres. A general permit has been established for this purpose. In addition, every effort to prevent erosion of any kind should be taken. Accordingly, we will recommend a consultation condition requiring that WYCO contact the Wyoming DEQ, Water Quality Division, prior to commencement of any salvage activities on this project.

The United States Department of the Army, Corps of Engineers, Omaha District (Corps) has indicated that, based on the information provided, the project does not involve the placement of dredged or fill material in wetlands or other waters of the United States. Therefore, Corps authorization is not required for the project under Section 404 of the Clean Water Act.

The United States Department of the Interior, Fish and Wildlife Service, Ecological Services Office (USFWS) in Cheyenne, Wyoming has indicated by letter dated June 16, 2005, that three Federally threatened or endangered species which may require specific protective measures in accordance with the Endangered Species Act may be present in or near the project area: Bald eagle (*Haliaeetus leucocephalus*), Black-footed ferret (*Mustela nigripes*), and the Ute ladies'-tresses (*Spiranthes diluvialis*). USFWS also has concerns regarding the Greater sage-grouse (*Centrocercus urophasianus*). USFWS indicates that specific protective measures may be appropriate for migratory birds in accordance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. USFWS suggests the avoidance and minimization of impacts to any wetland areas, stream channels, and surrounding vegetation to the greatest extent possible. We will recommend a condition requiring that WYCO consult with USFWS prior to commencement of salvage activities to address possible impacts to species of Federal concern.

## **HISTORIC REVIEW**

WYCO submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. WYCO served the report on the Wyoming State Historic Preservation Office (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has concurred with WYCO's assessment that the proposed abandonment, as planned, would have no adverse effect on historic properties listed in or eligible for inclusion in the National Register of

Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of WYCO's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

The SHPO recommends that the Board allow the project to proceed in accordance with state and Federal laws subject to the stipulation that if any cultural materials are discovered during construction, WYCO shall halt work in the area immediately, contact SEA and SHPO staff, and WYCO shall have the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, Sept. 1983). We will recommend a condition accordingly to address the SHPO's concern.

SEA consulted the National Park Service Native American Graves Protection and Repatriation Act (NAGPRA) website to identify Federally recognized tribes that may have an interest in the proposed abandonment. The consultation resulted in identification of two tribes. SEA has added the Arapahoe Tribe of the Wind River Reservation and the Shoshone Tribe of the Wind River Reservation to the service list for this proceeding to ensure that they receive a copy of this EA for their comment.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. WYCO shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of geodetic station markers by NGS.
2. To address the concerns raised by the Wyoming Department of Environmental Quality (DEQ), WYCO shall, prior to commencement of any salvage activities on this project, consult with Wyoming DEQ concerning its Water Quality Division requirements and shall comply with DEQ's reasonable requirements.
3. To address the concerns of the United States Department of the Interior, Fish and Wildlife Service (USFWS) Wyoming Field Office, prior to commencement of any salvage activities, WYCO shall consult with USFWS concerning potential impacts to species of Federal concern that may occur in the vicinity of the line.

4. To address the concerns of the Wyoming State Historic Preservation Office (SHPO), WYCO shall halt work immediately if any cultural materials are discovered during salvage operations, contact the Section of Environmental Analysis and SHPO staff immediately, and have the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to

the attention of Kenneth Blodgett, the environmental contact for this case. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-307 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Kenneth Blodgett by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: April 11, 2006.

**Comment due date: May 11, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment